

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Item (ii) of claim 1 has been amended to indicate that under-cooling of the vegetable or part thereof is carried out with the proviso that maximum and minimum temperatures between the surface and the core of the vegetable or part thereof is within 6°C of each other. Support for the amendment may be found on page 11, lines 7-12 of the specification as filed. Claim 14 has been similarly amended.

The invention is directed to maintaining a small temperature difference (within 6°C) between core and surface while under-cooling the core to less than or equal to minus 5°C to minus 15°C, so that freezing can be induced throughout the vegetable or part thereof instantaneously by further reducing the temperature in accordance with step (iii) of claim 1, maximizing the amount of intra-cellular rather than extra-cellular ice, thereby preserving the texture of the vegetable or part thereof on freezing. EP 815 746 B1 discloses a method of preserving vegetable material by cooling the vegetable material at a rate of 0.01 to 0.5°C per hour to a super-cooled state below the freezing point and then further cooling the said vegetable material to minus 18°C or lower whereby extra-cellular fluid is frozen but the intra-cellular fluid remains in a non-frozen state (see paragraph [0041]).

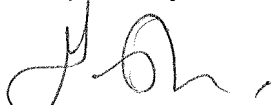
The Office points to no teaching of the within 6°C temperature difference between the surface and the core.

In view of the foregoing, the subject matter of claim 1 appears to be inventive over EP 815 746 B1 in view of U.S. 5,607,712 (Bourne) and over EP 815 746 B1 in view of U.S. 3,136,642 (Frane et al.) and EP 815 746 B1 in view of Bengsston et al.

The Office points to no teaching in the foregoing combinations of documents of all the technical features set forth in claims 1 and 14.

Therefore, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. McGowan, Jr.", is written over a horizontal line.

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